

**DEPARTMENT OF HEALTH SERVICES
ASSURANCE AND LICENSURE SERVICES
SUBSTANTIVE POLICY STATEMENT
#SP-012-ALS-OAD**

**HEALTH CARE INSTITUTION LICENSURE
CLARIFICATION OF REQUIREMENTS IN 9 A.A.C. 10, ARTICLE 1**

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement.

The substantive policy statement is to provide clarification to the general public for when a single or separate license is required for a health care institution.

R9-10-101(34)

"Mobile clinic" means a movable structure that:

- a. Is not physically attached to a health care institution's facility,
- b. Provides outpatient medical services under the direction of a health care institution's personnel, and
- c. Is not intended to remain in one location indefinitely.

R9-10-103. Licensure Exceptions

B. A health care institution license is required for each health care institution except for:

1. A facility exempt from licensure under A.R.S. § 36-402; or
2. A health care institution's administrative office.

C. The Department does not require a separate health care institution license for:

1. An accredited facility of an accredited hospital under A.R.S. § 36-422(F) or (G);
2. A facility operated by a licensed health care institution that is:
 - a. Adjacent to the licensed health care institution; or
 - b. Not adjacent to the licensed health care institution but is connected to the licensed health care institution by an all-weather enclosure that is:
 - i. Owned by the health care institution, or
 - ii. Leased by the health care institution with exclusive rights of possession;or
- c. A mobile clinic operated by a licensed health care institution.

Examples for when a single or separate health care institution license is required.

EXAMPLE 1

There are 3 buildings on 1 campus. The buildings are not intersected by a public thoroughfare. The licensee has exclusive rights of use and possession of the walkways between the buildings. A single license is required for the entire campus and the entire campus is considered the health care institution's premises.

EXAMPLE 2 (non-hospital)

There are 3 buildings on 1 campus. The landlord owns the campus including the buildings and walkways. The landlord is not the licensee. The landlord leases 2 buildings to one person and the 3rd building to another person but retains control over the walkways. Although there are 2 licensees, 3 health care institution licenses are required because each building requires a separate health care institution license.

EXAMPLE 3

There is 1 building with 4 suites. Licensee A leases and controls 2 suites and has exclusive rights of use and possession of 2 entrances to the 2 suites. Licensee B leases and controls 2 suites and has exclusive rights of use and possession to an entrance to the 2 suites. Two health care institution licenses are required.

EXAMPLE 4

There is 1 building with 4 suites. No one person has exclusive rights of use and possession of the walkways between the suites. Each suite is required to obtain a health care institution license.

EXAMPLE 5 (non-hospital)

There are 4 buildings intersected by public thoroughfares. Each building is required to obtain a health care institution license.

EXAMPLE 6 (non-hospital)

There are 4 buildings intersected by public thoroughfares. One building is used for a outpatient treatment clinic, one building houses a school-based clinic operated by the outpatient treatment clinic, one building houses a domestic violence shelter-based clinic operated by the outpatient treatment clinic, and one building houses a grocery store where immunizations are provided by the outpatient treatment clinic as an off-site service. The outpatient treatment clinic, school-based clinic, and the domestic violence shelter-based clinic are each required to obtain a separate health care institution license. Because the immunizations provided by the outpatient treatment clinic at the grocery store are regulated under the outpatient treatment clinic's license, the grocery store is not required to obtain a separate health care institution license.

EXAMPLE 7

A mobile clinic is operated by a licensed health care institution and inspected as part of the licensed health care institution's premises. The mobile clinic is not required to obtain a separate health care institution license.

EXAMPLE 8

A mobile clinic is operated independently. The mobile clinic is required to obtain a separate health care institution license.

EXAMPLE 9

A vehicle is used to transport equipment to a site where services are provided. The vehicle is required to be operated by a licensed health care institution and can not be licensed separately.

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